

REMARKS

Independent claim 1 has been amended to make it clear that the claimed composite particles comprise at least two encapsulating layers, one outside the other. Each layer contains both an optical modifying agent and an organoleptic modifying agent. The layers are dissolved sequentially when exposed to an aqueous environment, so that the second (outer) encapsulating layer effects simultaneously a first change in organoleptic properties and a first change in optical properties of the aqueous environment. At some point in time after the dissolution of the second (outer) layer, the first (inner) layer is dissolved, releasing both an optical modifying agent and an organoleptic modifying agent, effecting simultaneously both a second change in organoleptic properties and a second change in optical properties of the aqueous environment. The prior art does not show a multi-layer particle that causes two sequential optical changes plus two sequential organoleptic changes to an aqueous environment. Amended dependent claims 5-8 further require that the organoleptic modifying agents are not sweeteners. Dependent claims 7 and 8 further specify that the optical modifying agents are not acids.

Independent claim 9 has been amended to require that the first and second optical modifying agents are colorants or glitters. Amended dependent claims 11 and 12 further require that the organoleptic modifying agents are not sweeteners. The prior art does not disclose the subject matter of these claims.

Independent claim 15 has been amended to make it clear that the claimed method involves providing composite particles comprising at least two encapsulating layers, one outside the other. Each layer contains both an optical modifying agent and an organoleptic modifying agent. The layers are dissolved sequentially when exposed to an aqueous environment, so that the second (outer) encapsulating layer effects simultaneously a first change in organoleptic properties and a first change in

optical properties of the aqueous environment. At some point in time after the dissolution of the second (outer) layer, the first (inner) layer is dissolved, releasing both an optical modifying agent and an organoleptic modifying agent, effecting simultaneously both a second change in organoleptic properties and a second change in optical properties of the aqueous environment. The prior art does not disclose this method.

Independent claim 20 has been amended to require that the method involves causing at least a two-step change in an aqueous environment by providing a powdered beverage mixture comprising a powdered mixture and composite particles, both of which contain organoleptic modifying agents as well as a colorants and/or a glitter. Amended dependent claim 22 further requires that the organoleptic modifying agent is not a sweetener. The prior art does not disclose this method.

Sumitani 4,201,794 was cited by the examiner in rejecting claims 1-23. This rejection is respectfully traversed. Sumitani discloses the use of organic acids and an anthraquinonoid compound in a powder composition, so that when the powder is dissolved in water the pH change caused by the acid causes the anthraquinonoid to change the color of the water. Sumitani does not disclose a multi-layered composite material with an inner layer and an outer layer that **each** cause **both** an organoleptic change and an optical change. Sumitani also fails to disclose compounds that release a colorant or glitter upon dissolution.

Seiichi, JP63148963 and Katsunari, JP22 07778 were also cited by the examiner in rejecting claims 1-23. Seiichi and Katsunari both disclose a food dye that changes color with the addition of acid. Seiichi and Katsunari do not disclose a multi-layered composite material with an inner layer and an outer layer that **each**

cause **both** an organoleptic change and an optical change. Seiichi and Katsunari also fail to disclose compounds that release a colorant or glitter upon dissolution.

Cherukuri US 2001/0048965 ("Cherukuri '965") was cited by the examiner as showing an encapsulated flavor capsule. However, Cherukuri '965 does not disclose two or more sequential color changes in an aqueous environment caused by the addition of one compound comprising either composite particles or a powdered beverage mixture containing composite particles. Nor does it disclose composite particles capable of providing at least two sequential changes in both optical and organoleptic properties in a food product. Cherukuri '965 further does not show composite particles comprising a core particle having a first encapsulating coating formed thereon which contains both a first optical modifying agent and a first organoleptic modifying agent, with both the core and first encapsulating coating surrounded by a second encapsulating coating that contains both a second optical modifying agent and a second organoleptic modifying agent. Cherukuri '965 also does not disclose compounds that release glitter upon dissolution.

For the same reasons as discussed as to Cherukuri '965, the Sair and Kenji patents do not anticipate nor make obvious claims 1-23. Neither patent discloses composite particles with two layers, one inside the other, that each release both an optical modifying agent and an organoleptic modifying agent to cause at least two sequential optical changes and at least two sequential organoleptic changes to an aqueous environment.

The examiner cites Cherukuri '965 and the use of magnesium stearate in the tableting process for disclosure of an "inert layer." In the cited reference, magnesium stearate is used as a lubricant to aid in the ejection of the compressed tablet from the tableting machine. Magnesium stearate is not used in the reference

to provide a delay between dissolution of a second organoleptic/optical modifying layer and a first organoleptic/optical modifying layer . It does not, therefore, disclose an "intervening inert layer" as required by claims 2-4, 6-8, and 16-19, which claims require that the intervening inert layer is located between two concentric layers each containing organoleptic and optical modifying agents, and that the inert layer provides a delay of time between the first optical/organoleptic change and the second optical/organoleptic change.

Finally, Cherukuri 4,981,698 is cited by the Examiner as disclosing two coatings of sweeteners. This reference does not disclose the claimed compositions and methods since the coatings are meant to prolong, not change, the flavor of chewing gum or confections. Furthermore, Cherukuri '698 does not suggest using the delivery system with beverages or aqueous solutions, and in fact suggests usage in low moisture formulations. (See Col. 6, Lines 37-46). Therefore, there is no suggestion for using the disclosure of Cherukuri '698 with an aqueous environment, as claimed herein.

For at least the above reasons, claims 1-23 are not anticipated or made obvious by the cited prior art. For these reasons, the applicants respectfully request that claims 1-23 be allowed and pass to issue.

Respectfully submitted,

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